

Order 9-24-97 GAU 2603

#17

Docket No. P/54265.USC/GPTU13/APC/jg

**PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

2603

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box: Special Processing and Correspondence Branch, ONAR, Application Processing Division, Commissioner of Patents and Trademarks, Washington, D.C. 20231, on:
July 14, 1997
(date)

Alan Israel
Reg. No. 27,564

RECEIVED
AUG-6 97
GROUP 2600

In re: Application of : Mark T. JEFFREY, et al.
Serial No. : 08/400,140 Group Art Unit: 2603
Filed : March 6, 1995 Examiner: H. Kizou
For : STM SWITCHING ARRANGEMENT

New York, New York
July 14, 1997

**REQUEST TO WITHDRAW NOTICE OF
ABANDONMENT UNDER 37 C.F.R. 1.8(b)**

Special Processing and Correspondence Branch
ONAR, Application Processing Division
Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

It is respectfully requested that the notice of abandonment issued in the above captioned application be withdrawn. The circumstances are as follows:

1. On July 10, 1997, the undersigned received a notice of abandonment mailed July 8, 1997, a copy of said notice being attached hereto and marked Exhibit 1.

2. Exhibit 1 states that the application was abandoned in view of applicant's alleged failure to respond to the Office letter, mailed December 9, 1996.

3. However, applicant did indeed respond to said Office letter. Applicant submitted a Request for Filing a Continuation Application Under Rule 37 C.F.R. §1.62, which included a Petition for a three month extension, a copy of which is attached hereto and marked Exhibit 2. The Request included an Express Mail Certificate of Mailing signed by the undersigned and dated June 9, 1997.

4. Accompanying the Amendment was check No. 7736 in the amount of \$1,700.00 for payment of a three month extension of time of \$930.00 and the filing fee of \$770.00, along with a receipt acknowledgment postcard (Exhibit 3).

5. These documents were addressed to Box: FWC, Commissioner of Patents and Trademarks, Washington, D.C., 20231, and were deposited with the U.S. Postal Service with sufficient postage as Express Mail on June 9, 1997, which met the deadline of June 9, 1997.

6. Upon receipt of Exhibit 1, the undersigned checked his files and secured the receipt acknowledgment postcard which had been *stamped by the Mail Room and returned by the PTO*, a copy of the postcard being attached hereto and marked Exhibit 3. The check for \$1,700.00 has not yet cleared the undersigned's bank account. Presumably, all

these documents, although properly mailed and received by the PTO, have been misplaced by PTO personnel.

7. The postcard erroneously bears the Mail Room date of June 10, 1997. It should be assigned the date of deposit of June 9, 1997.

8. In accordance with 37 C.F.R. 1.8(b), the notice of abandonment should be withdrawn, and the receipt date should be corrected to June 9, 1997.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

KIRSCHSTEIN, OTTINGER, ISRAEL & SCHIFFMILLER, P.C.
Attorneys for Applicant(s)
551 Fifth Avenue
New York, New York 10176-0024
Tel.: (212) 697-3750
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Alan Israel
Registration No. 27,564

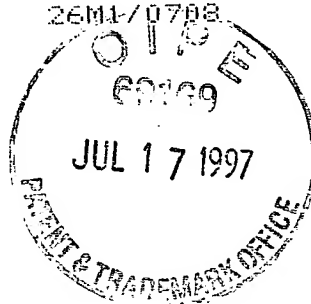


**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/40,140	03/06/95	JEFFREY M	GPT/4265-US

KIRSCHSTEIN OTTINGER
ISRAEL & SCHIFFMILLER
551 FIFTH AVENUE
NEW YORK NY 10176-0024



EXAMINER
KIZOU, H

ART UNIT	PAPER NUMBER
2603	15

DATE MAILED: 07/08/97

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

EXHIBIT 1

Notice of Abandonment

Application No.

08/400,140

Applicant(s)

Jeffrey et al.

Examiner

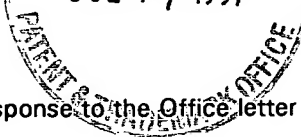
Hassan Kizou

Group Art Unit

2603



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This application is abandoned in view of:

- ☒ applicant's failure to timely file a proper response to the Office letter mailed on Dec 9, 1996.
- ☐ A response (with a Certificate of Mailing or Transmission of _____) was received on _____, which is after the expiration of the period for response (including a total extension of time of _____ month(s)) which expired on _____.
- ☐ A proposed response was received on _____, but it does not constitute a proper response to the final rejection.
(A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FWC)).
- ☒ No response has been received.
- ☐ applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.
- ☐ The issue fee (with a Certificate of Mailing or Transmission of _____) was received on _____.
- ☐ The submitted issue fee of \$ _____ is insufficient. The issue fee required by 37 CFR 1.18 is \$ _____.
- ☐ The issue fee has not been received.
- ☐ applicant's failure to timely file new formal drawings as required in the Notice of Allowability.
- ☐ Proposed new formal drawings (with a Certificate of Mailing or Transmission of _____) were received on _____.
- ☐ The proposed new formal drawings filed _____ are not acceptable.
- ☐ No proposed new formal drawings have been received.
- ☐ the express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on _____.
- ☐ the letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- ☐ the letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
- ☐ the decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ the reason(s) below:

HASSAN KIZOU
PRIMARY EXAMINER
ART UNIT 2603

KIRSCHSTEIN, OTTINGER, ISRAEL & SCHIFFMILLER, P.C.

ATTORNEYS AT LAW
PATENT, TRADEMARK AND COPYRIGHT CAUSES

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I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail No. TB 733 045 60X US in an envelope addressed to: BOX: FWC, Commissioner of Patents and Trademarks, Washington, D.C. 20231, on:

June 9, 1997
(date)

Alan Israel
Reg. No. 27,564



RECEIVED
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GROUP 1-26000

PATENT APPLICATION

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Docket No.: P/54265/USP/HAB/jgj

In re: File Wrapper Continuation Under Rule 62

Continuation of Serial No. : 08/400,140

Filed : March 5, 1995

Applicant : Mark T. JEFFREY, et al.

For : STM SWITCHING ARRANGEMENT

New York, New York
June 9, 1997

BOX: FWC
Commissioner of Patents & Trademarks
Washington, D.C. 20231

Sir:

This is a request for filing a ☒ continuation ☐ divisional application under 37 CFR 1.62, of pending prior application Serial No. 08/400,140 filed on March 6, 1995.

1. ☒ The current correspondence address of applicant(s) is:

KIRSCHSTEIN, OTTINGER,
ISRAEL & SCHIFFMILLER, P.C.
551 Fifth Avenue
New York, New York 10176-0024

EXHIBIT 2

2. ☒ Priority of British patent application Serial No. 9200267.4, filed on January 8, 1992, was claimed under 35 U.S.C. §119 in the parent case.
3. ☐ Please enter the Amendment Under 37 C.F.R. §1.116, filed on _____ which was unentered in the prior application.
4. ☒ The filing fee is calculated below:

CLAIMS AS FILED IN THE PRIOR APPLICATION,
LESS ANY CLAIMS CANCELED BY AMENDMENT BELOW

For	Number Filed	Number Extra	Rate	Basic Fee \$770-\$385
Total Claims	<u>6</u>	-20 = <u> </u>	x \$22 = <u> </u> x \$11 = <u> </u>	<u> </u>
Independent Claims	<u>1</u>	- 3 = <u> </u>	x \$80 = <u> </u> x \$40 = <u> </u>	<u> </u>
Total filing fee				<u>\$770.</u>

5. ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Account No. 11-1145. A duplicate copy of this sheet is enclosed.
6. ☒ A check in the amount of \$770.00 is enclosed to cover the filing fee.
7. ☒ The power of attorney in the prior application is to
David B. Kirschstein, Reg. No. 17,244; Alan Israel, Reg. No. 27,564; and
Martin W. Schiffmiller, Reg. No. 30,421.
- a. ☒ The power appears in the original papers in the prior application.
- b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

- c. ☒ Address all future communications to:


David B. Kirschstein, Esq., Reg. No. 17,244;
Alan Israel, Esq., Reg. No. 27,564;
Martin W. Schiffmiller, Esq., Reg. No. 30,421

c/o KIRSCHSTEIN, OTTINGER, ISRAEL & SCHIFFMILLER, P.C.
551 Fifth Avenue
New York, New York 10176-0024
Tel.: (212) 697-3750
Fax.: (212) 949-1690

8. ☐ A preliminary amendment is enclosed.
9. ☒ Petition is hereby made for a 3 -month extension of the term to June 9, 1997 for filing a response to the action dated December 9, 1996 in the prior application. A **check for \$930.00**, as the Petition fee, is enclosed herewith. If there are any additional charges, or any overpayment, in connection with the filing of this petition, the Commissioner is hereby authorized to charge any such deficiency, or credit any such overpayment, to Deposit Account No. 11-1145.

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

June 9, 1997
Date



Alan Israel
Registration No. 27,564
Attorney for Applicants



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GROUP 2600

Due Date: 6/9/97 (Express Mail Certif.)

Al:gw

In re: File Wrapper Continuation Under Rule 62
Continuation of Serial No. 08/400,140
Filed : March 5, 1995
Applicant: Mark T. JEFFREY, et al.
For : STM SWITCHING ARRANGEMENT

Enclosures:

1. NEW U.S. Rule 62 Appl'n.
2. Petition for 3-month extension of time
3. Check No. 7736 for \$1,700.00.

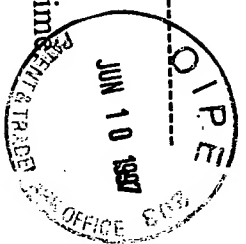


EXHIBIT 3